



250A 3009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SHUZO YOSHII

Serial No. 09/754,625

Filed: January 4, 2001

For: CUSTOMER INFORMATION  
COLLECTION METHOD AND  
SYSTEM

) Attention: Mail Stop PETITION  
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**RENEWED PETITION  
UNDER  
37 CFR 1.137(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant in the above-identified application hereby petitions the Commissioner to withdraw holding of abandonment, and Applicant makes this petition based upon the facts below:

1. The above-identified application, U.S. Serial No. 09/754,625 was filed on January 4, 2001.
2. After the Office Action of December 18, 2003 and a Response of March 4, 2004 to this Office Action, a Final Office Action was issued on May 19, 2004.
3. On March 18, 2005, a Rule 116 Amendment responding to the Final Office Action was filed in the Patent Office accompanied by a Petition for Revival of an Application for Patent Abandoned Unintentionally, expecting and believing that the argument in the Rule 116 Amendment be sufficient enough to overcome the rejections shown in the Final Office Action.

4. The Patent Office database accessed by the undersigned through the Internet on July 19, 2005 indicates that the Petition was entered on March 21, 2005.

5. On August 19, 2005, the undersigned received a Notice issued by the Patent Office on August 16, 2005, dismissing the March 18, 2005 petition. The Notice (copy thereof enclosed) mentions, "The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office Action.... The proposed reply required for consideration of a petition to revive must be a Notice of Appeal, an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination.... The amendment submitted with the preset petition does not prima facie place the application in condition for allowance." The Notice is accompanied by an Advisory Action, and the Advisory Action says in paragraph 3, "The proposed amendment(s) filed after a final rejection ... will not be entered because (a) They raise new issues that would require further consideration and/or search; and (b) They raise the issue of new matter.... Note: The claims as amended would require additional searches and are therefore, more suited to an RCE"

6. In view of the above, pursuant to 37 CFR 1.137(b), the undersigned hereby petitions, with the payment of the required petition fee of \$750.00 (the applicant claiming the small entity status), to revive the above-identified application with an accompanying document which is a Request for Continued Examination (in view of the Examiner's advisory opinion shown in the Advisory Action).

7. Pursuant to 37 CFR 1.137(b)(3), the undersigned makes the following statement:

The entire delay in filing the required replay from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

8. Since the above-identified application was filed on or after June 8, 1995, no terminal disclaimer is required.


9. In view of the above, it is respectfully requested that the present Petition be entered and granted and the above-identified application be further examined based upon the enclosed Request for Continued Examination.

10. Please charge any additional costs incurred by or in order to implement this Petition or required by any request for extension of time to Koda & Androlia Deposit Account No. 11-1445.

The undersigned declares that all statements made herein are of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

KODA & ANDROLIA

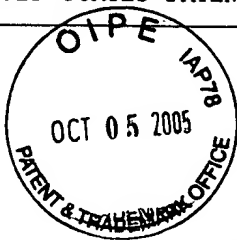
By   
William L. Androlia  
Reg. No. 27,177

2029 Century Park East  
Suite 1140  
Los Angeles, CA 90067-2983  
Tel: (310) 277-1391  
Fax: (310) 277-4118

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:	
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P.O. Box 1450	
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October 3, 2005	
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William L. Androlia	
Printed Name of person signing this certificate	
Signature	Date
	10/3/2005



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AUG 19 2005  
KODA & ANDROLIA

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AUG 16 2005

OFFICE OF PETITIONS

In re Application of  
Shuzo Yoshii  
Application No. 09/754,625  
Filed: January 4, 2001  
Attorney Docket No. 250A 3009

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 21, 2005, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action mailed May 19, 2004. A Notice of Abandonment was mailed December 8, 2004.

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee as required by 37 CFR 1.17(b), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) under 37 CFR 1.114 or the filing of a continuing application. See MPEP 711.03(c)(III)(A)(2).

The amendment submitted with the present petition does not *prima facie* place the application in condition for allowance. See the attached Advisory Action.

Accordingly, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

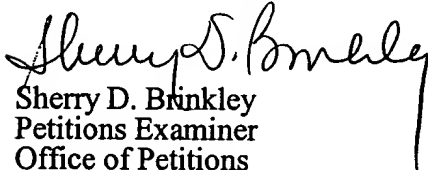
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop PETITION  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

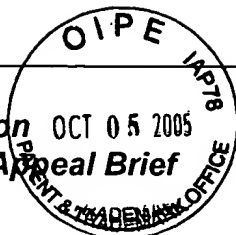
The centralized facsimile number is (571) 273-8300.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: Advisory Action

**Advisory Action** OCT 05 2005  
**Before the Filing of an Appeal Brief**



Application No. 09/754,625	Applicant(s) YOSHII, SHUZO	
Examiner Cristina Owen Sherr	Art Unit 3621	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☒ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The claims as amended would require additional searches and are therefore, more suited to an RCE. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.